

ROBIN VINIK (8599)  
719 8<sup>th</sup> AV Apt 2C  
BELMAR NJ 07719  
908-768-8783  
Lay Co- Council for  
AILYN K. URUZA, Pro Se

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

\_\_\_\_\_  
AVON MUNICIPAL COURT

v.

\_\_\_\_\_  
AILYN K. URUZA

NOTICE OF REMOVAL

APPENDIX  
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COURT I.D.	PREFIX	TICKET NUMBER	<b>MUNICIPAL COURT AVON-BY-THE-SEA 701 Main Street Bradley Beach, NJ 07720</b>	
1306	ABS	024473		
YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT CHARGING YOU WITH THE OFFENSE LISTED:				
Driver's Lic. No.	177759225		Exp. Date	State
			5/02/25	Commercial License
THE UNDERSIGNED CERTIFIES THAT				
Name	First	Initial	Last	(Please Print)
	AILEEN	K	URZUA	
Address	1022 BLVD 320			
City	State	Zip Code	Telephone	<input type="checkbox"/> Check if cell phone
	WEST HARTFORD CT	06119		
Email Address			Restrictions	
Birth Date	Eyes	Sex	Height	Ethnicity
3/14/19		F		
DID UNLAWFULLY (PARK) (OPERATE) A				
Make of Vehicle	Year	Body Type	Color	<input type="checkbox"/> Commercial Vehicle
FORD	2015	4DR	GY	<input type="checkbox"/> Omnibus
License Plate No.	State	Exp. Date	<input type="checkbox"/> Hazardous Material	
AL92230	CT	12/11/2019	<input type="checkbox"/> Out of Service	
Offense Date	Month	Day	Year	Time
	7	16	2023	10:16 AM
LOCATION OF OFFENSE	Describe Location			
	000 BLK MAIN ST			
Municipality	County	Mun. Code (Offense)		
AVON-BY-THE-SEA	Monmouth		1 3 0 6	
AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE (ONE CHARGE PER COMPLAINT)				
TRAFFIC OFFENSES - (check one) - TITLE 39:				
<input type="checkbox"/> 3-4 Unregistered vehicle <input type="checkbox"/> 6B-2 No liability insurance coverage <input type="checkbox"/> 3-29 Failure to exhibit documents <input type="checkbox"/> D.L. or <input type="checkbox"/> REG. or <input type="checkbox"/> INS <input type="checkbox"/> 3-33 Unclear plates <input type="checkbox"/> 3-40 Driving after DL/Reg Suspended <input type="checkbox"/> 3-66 Maintenance of lamps <input checked="" type="checkbox"/> 3-4-98 Speeding <u>42</u> MPH in a <u>30</u> MPH Zone				
<input type="checkbox"/> 3-74 Obstruction of windshield <input type="checkbox"/> 3-76.2f Failure to wear seatbelt <input type="checkbox"/> 4-81 Failure to observe signal <input type="checkbox"/> 4-97 Careless driving <input type="checkbox"/> 4-97.3 Use of hand-held device <input type="checkbox"/> 4-144 Failure to stop or yield <input type="checkbox"/> 8-1 Failure to inspect				
IN EXCESS OF SPEED LIMIT BY:				
<input type="checkbox"/> 1-9 MPH <input type="checkbox"/> 10-14 MPH <input type="checkbox"/> 15-19 MPH <input type="checkbox"/> 20-24 MPH <input type="checkbox"/> 25-29 MPH <input type="checkbox"/> 30-34 MPH <input type="checkbox"/> 65 MPH Zone <input type="checkbox"/> Safe Corridor <input type="checkbox"/> Construction Zone				
PARKING OFFENSE				
<input type="checkbox"/> Overtime Meter No. <input type="checkbox"/> Prohibited Area <input type="checkbox"/> Double				
OTHER TRAFFIC/PARKING OFFENSE (Describe)				
Statute No.	39:4-98		Ordinance / Code No.	
The undersigned further states that there are just and reasonable grounds to believe that you committed the above offense and will file this complaint in this court charging you with that offense.				
Signature of Complainant/Officer	[Signature]		Month	Day
			7	16
Officer's ID. No.	110		Year	Time
			2023	11:00 AM
NOTICE TO APPEAR				
<input type="checkbox"/> COURT APPEARANCE REQUIRED	COURT DATE	Month	Day	Year
		8	15	2023
<input type="checkbox"/> Accident <input type="checkbox"/> Prop. Damage <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Bodily Injury <input type="checkbox"/> Death/Serious Bodily Injury				
CONDITIONS	AREA	<input type="checkbox"/> Business	<input type="checkbox"/> School	<input type="checkbox"/> Residential
	ROAD	<input type="checkbox"/> Dry	<input type="checkbox"/> Wet	<input type="checkbox"/> Snow
	TRAFFIC	<input type="checkbox"/> Light	<input type="checkbox"/> Medium	<input type="checkbox"/> Heavy
	VISIBILITY	<input type="checkbox"/> Clear	<input type="checkbox"/> Rain	<input type="checkbox"/> Snow
Equipment	<input type="checkbox"/> Speed Measurement Device <input type="checkbox"/> Pace <input type="checkbox"/> DRE <input type="checkbox"/> EBDT <input type="checkbox"/> Blood Test <input type="checkbox"/> Urine Test			
Equipment Operator's Name	86110		Operator ID No.	Unit Code
			8623	

COURT I.D.		PREFIX		TICKET NUMBER		<b>MUNICIPAL COURT AVON-BY-THE-SEA</b> 701 Main Street Bradley Beach, NJ 07720		
1306		ABS		024474				
YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT CHARGING YOU WITH THE OFFENSE LISTED:								
Driver's Lic. No.		177759225				Exp. Date 5/20/28 CT		
THE UNDERSIGNED CERTIFIES THAT								
Name		First		Initial		Last (Please Print)		
		ALYN		K		UKZUA		
Address								
1022 BLVD 320								
City		State		Zip Code		Telephone		
WEST HARTFORD CT		CT		06119				
Email Address				Restrictions				
Birth Date		Eyes		Sex		Height		
5/19/91				F				
Ethnicity		Race						
DID UNLAWFULLY (PARK) (OPERATE) A								
Make of Vehicle		Year		Body Type		Color		
Ford		2019		SUV		Gray		
License Plate No.		State		Exp. Date				
AL92230		NJ		12/10/2019				
Offense Date		Month		Day		Year		
		7		16		2023		
Time		10:16		AM		PM		
LOCATION OF OFFENSE		Describe Location						
		000 BLK MAIN ST.						
Municipality		County		Mun. Code (Offense)				
AVON-BY-THE-SEA		Monmouth		1306				
AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE (ONE CHARGE PER COMPLAINT)								
TRAFFIC OFFENSES - (check one) - TITLE 39:								
<input type="checkbox"/> 3-4 Unregistered vehicle <input type="checkbox"/> 6B-2 No liability insurance coverage <input type="checkbox"/> 3-29 Failure to exhibit documents <input type="checkbox"/> D.L. or <input type="checkbox"/> REG. or <input type="checkbox"/> INS <input type="checkbox"/> 3-33 Unclear plates <input type="checkbox"/> 3-40 Driving after DL/Reg Suspended <input type="checkbox"/> 3-66 Maintenance of lamps <input type="checkbox"/> 4-98 Speeding _____ MPH in a _____ MPH Zone								
<input type="checkbox"/> 3-74 Obstruction of windshield <input type="checkbox"/> 3-76.2f Failure to wear seatbelt <input type="checkbox"/> 4-81 Failure to observe signal <input type="checkbox"/> 4-97 Careless driving <input type="checkbox"/> 4-97.3 Use of hand-held device <input type="checkbox"/> 4-144 Failure to stop or yield <input type="checkbox"/> 8-1 Failure to inspect								
IN EXCESS OF SPEED LIMIT BY:								
<input type="checkbox"/> 1-9 MPH <input type="checkbox"/> 10-14 MPH <input type="checkbox"/> 15-19 MPH <input type="checkbox"/> 20-24 MPH <input type="checkbox"/> 25-29 MPH <input type="checkbox"/> 30-34 MPH <input type="checkbox"/> 65 MPH Zone <input type="checkbox"/> Safe Corridor <input type="checkbox"/> Construction Zone								
PARKING OFFENSE								
<input type="checkbox"/> Overtime Meter No. <input type="checkbox"/> Prohibited Area <input type="checkbox"/> Double								
OTHER TRAFFIC/PARKING OFFENSE (Describe)								
Statute No.				Ordinance / Code No.				
39:3-4								
The undersigned further states that there are just and reasonable grounds to believe that you committed the above offense and will file this complaint in this court charging you with that offense.						Month Day Year 7 16 2023		
Signature of Complaining Witness						Officer's ID. No.		
						110		
NOTICE TO APPEAR								
<input type="checkbox"/> COURT APPEARANCE REQUIRED		COURT DATE		Month Day Year		Time		
		8		15 2023		11:00 AM		
<input type="checkbox"/> Accident <input type="checkbox"/> Prop. Damage <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Bodily Injury <input type="checkbox"/> Death/Serious Bodily Injury								
CONDITIONS	AREA		<input checked="" type="checkbox"/> Business		<input type="checkbox"/> School		<input type="checkbox"/> Residential	
	ROAD		<input type="checkbox"/> Dry		<input type="checkbox"/> Wet		<input type="checkbox"/> Snow	
	TRAFFIC		<input type="checkbox"/> Light		<input type="checkbox"/> Medium		<input type="checkbox"/> Heavy	
	VISIBILITY		<input type="checkbox"/> Clear		<input type="checkbox"/> Rain		<input type="checkbox"/> Snow	
Equipment		<input type="checkbox"/> Speed Measurement Device		<input type="checkbox"/> Pace <input type="checkbox"/> DRE <input type="checkbox"/> EBDT		<input type="checkbox"/> Blood Test <input type="checkbox"/> Urine Test		
Equipment Operator's Name		Operator ID No.		Unit Code				



COURT I.D.	PREFIX	TICKET NUMBER	<b>MUNICIPAL COURT AVON-BY-THE-SEA 701 Main Street Bradley Beach, NJ 07720</b>	
1306	ABS	024475		
YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT CHARGING YOU WITH THE OFFENSE LISTED:				
Driver's Lic. No.	1 7 7 7 5 9 2 2 5		Exp. Date	State
			5/2022	CT
THE UNDERSIGNED CERTIFIES THAT				
Name	First	Initial	Last	(Please Print)
	AILEEN	K	URZUA	
Address	1022 BLVD 320			
City	State	Zip Code	Telephone	<input type="checkbox"/> Check if cell phone
WEST HAMPTON	CT	06619		
Email Address			Restrictions	
Birth Date	Eyes	Sex	Height	Ethnicity
5/14/19		F		
DID UNLAWFULLY (PARK) (OPERATE) A				
Make of Vehicle	Year	Body Type	Color	<input type="checkbox"/> Commercial Vehicle
FORD	2015	4DR	64	<input type="checkbox"/> Omnibus
License Plate No.	State	Exp. Date	<input type="checkbox"/> Hazardous Material	
AL92230	CT	12/10/2019	<input type="checkbox"/> Out of Service	
Offense Date	Month	Day	Year	Time
	7	16	2023	10:16 AM
LOCATION OF OFFENSE	Describe Location			
	000 BLK MAINST			
Municipality	County	Mun. Code (Offense)		
AVON-BY-THE-SEA	Monmouth	1 3 0 6		
AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE (ONE CHARGE PER COMPLAINT)				
TRAFFIC OFFENSES - (check one) - TITLE 39:				
<input type="checkbox"/> 3-4 Unregistered vehicle <input type="checkbox"/> 3-29 Failure to exhibit documents <input type="checkbox"/> 3-33 Unclear plates <input type="checkbox"/> 3-40 Driving after DL/Reg Suspended <input type="checkbox"/> 3-66 Maintenance of lamps <input type="checkbox"/> 4-98 Speeding _____ MPH in a _____ MPH Zone				
<input type="checkbox"/> 3-74 Obstruction of windshield <input type="checkbox"/> 3-76.2f Failure to wear seatbelt <input type="checkbox"/> 4-81 Failure to observe signal <input type="checkbox"/> 4-87 Careless driving <input type="checkbox"/> 4-97.3 Use of hand-held device <input type="checkbox"/> 4-144 Failure to stop or yield <input type="checkbox"/> 8-1 Failure to inspect				
IN EXCESS OF SPEED LIMIT BY:				
<input type="checkbox"/> 1-9 MPH <input type="checkbox"/> 10-14 MPH <input type="checkbox"/> 15-19 MPH <input type="checkbox"/> 20-24 MPH <input type="checkbox"/> 25-29 MPH <input type="checkbox"/> 30-34 MPH <input type="checkbox"/> 65 MPH Zone <input type="checkbox"/> Safe Corridor <input type="checkbox"/> Construction Zone				
PARKING OFFENSE				
<input type="checkbox"/> Overtime Meter No. <input type="checkbox"/> Prohibited Area <input type="checkbox"/> Double				
OTHER TRAFFIC/PARKING OFFENSE (Describe)				
Statute No.	Ordinance / Code No.			
3:4-127				
The undersigned further states that there are just and reasonable grounds to believe that you committed the above offense and will file this complaint in this court charging you with that offense.				
Signature of Complainant/Witness	Officer's ID. No.		Month	Day
	86110		7	16
NOTICE TO APPEAR				
<input type="checkbox"/> COURT APPEARANCE REQUIRED	COURT DATE	Month	Day	Year
	15	15	2023	11: PM
<input type="checkbox"/> Accident <input type="checkbox"/> Prop. Damage <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Bodily Injury <input type="checkbox"/> Death/Serious Bodily Injury				
CONDITIONS	AREA	<input checked="" type="checkbox"/> Business	<input type="checkbox"/> School	<input type="checkbox"/> Residential
ROAD	<input checked="" type="checkbox"/> Dry	<input type="checkbox"/> Wet	<input type="checkbox"/> Snow	<input type="checkbox"/> Ice
TRAFFIC	<input checked="" type="checkbox"/> Light	<input type="checkbox"/> Medium	<input type="checkbox"/> Heavy	
VISIBILITY	<input type="checkbox"/> Clear	<input type="checkbox"/> Rain	<input type="checkbox"/> Snow	<input type="checkbox"/> Fog
Equipment	<input type="checkbox"/> Speed Measurement Device <input type="checkbox"/> Pace <input type="checkbox"/> DRE <input type="checkbox"/> EBSD <input type="checkbox"/> Blood Test <input type="checkbox"/> Urine Test			
Equipment Operator's Name	Operator ID No.		Unit Code	

COPY  
AVON BY THE SEA MUNICIPAL COURT  
701 MAIN STREET  
BRADLEY BEACH NJ 07720

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STATE OF NEW JERSEY	]	
	]	NOTICE OF
V.	]	MOTION TO DISMISS
AILYN K URUZA	]	Ticket Nos 024473,
		024474 and 024475

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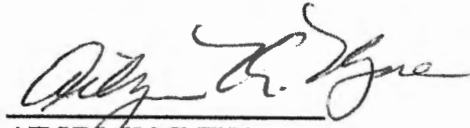
Motion To Dismiss or complete discovery for the following discovery items requested that were not provided for ticket No 024473

- 1, The speed limit reported by the officer is a refutable presumption. Defendant rebutted it by requesting supporting speed study by the DOT for the state highway where the ticket was issued. It was not provided.
- 2, The case law defining the speed measuring device as a scientific device pursuant to State v. Boyington 153 NJ Super 252 (1977) A case after the case provided in discovery presented.. State v. Dantonio (1955)
3. Officers log book showing tickets for speeding on 7/16/2023
4. List of any discipline against this officer relating to failure to be truthful or discrepancy of use of any speed measuring device for the 24 months prior to 7/16/2023
5. Repair history of the speed measuring device for the 24 months prior to 7/16/2023.  
See State v. Green throughout for discovery discrepancies

Motion to dismiss ticket 024473 because the defendant was charged with 39-4; 98 which

is not an offence. There is no lessor included offence so the ticket cannot be amended. See State v. Green Page 2 footnote.

Motion to dismiss Tickets numbers 024474 and 024475 because in a TERRY STOP for ticket 024473 even though the officer thought he was filing a legitimate offence<sup>1</sup> the officer does not have the Constitutional authority to prolong the stop to find other offenses.

  
AILYN K URZUA

Date: 9/14/2023

Attachment; 1. State v. Green Order from Appellate Division

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<sup>1</sup> The Ticket book provided by the state has the wrong offence cited for speeding in the cover page. The officer was ignorant of the fact that he was wrong. I suggest the court dismiss for failure to state a cause of action so as not to create a lot of me too's

AVON BY THE SEA MUNICIPAL COURT  
701 MAIN STREET  
BRADLEY BEACH NJ 07720

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	]	DEFENDANT'S DEMAND FOR FAIR TRIAL IN A CONSTITUTIONAL COURT OF LAW
STATE OF NEW JERSEY	]	
V.	]	
	]	
AILYN K URUZA		

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**DEFENDANT IS RAISING SEVERAL CONSTITUTIONAL ISSUES HEREIN**

1. Therefor, Defendant hereby invokes NJRE 201(d) Requiring this honorable court to take Judicial notice of all the things referred to in NJRE 201(a), and the Constitutions of this Country and State.

2. Amendment 14, Paragraph 1 of the UNITED STATES CONSTITUTION

3. Defendant may renew her application for an in-person trial, but consistent with the Supreme Court Directive, "the judge, not the parties, determines the format of court proceedings;" and
4. A copy of this order shall be served electronically to all parties within 3 days.

Michael A. Guadagno  
MICHAEL A. GUADAGNO, J.A.D.  
(Retired and temporarily assigned on recall)

Original: Criminal Division Manager  
Copy: Defendant, Allyn K. Urzua,  
Monmouth County Prosecutor's Office  
Avon Municipal Court  
James Newman, P.J.M.C.



states that “....No state. . . shall . . . deprive any person of life, liberty or property, without due process of law. . .”

3. Due process includes the right to confront witnesses testifying for the government by among other things cross examining them while observing their demeanor, and subpoenaing witnesses for the defense (where would the subpoena require their appearance)

  
ALYLN K URZUA

Date; 9/15/2023

Attachments	1.	NJRE 201
	2.	Replaces Old Rule 9

**PREPARED BY THE COURT**

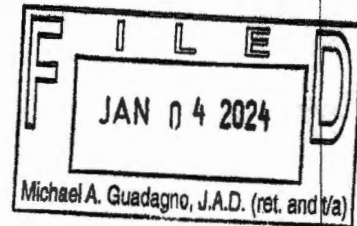
STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

AILYN K. URZUA,

Defendant-Appellant.



SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – CRIMINAL PART  
MONMOUTH COUNTY

Municipal Appeal MA 23-035  
Avon Municipal Court (1306)  
Summons Nos. ABS 024473; 023374; and  
024475

**CASE MANAGEMENT ORDER**

**THIS MATTER** having been opened to the court by defendant, Ailyn K. Urzua, appearing pro se and seeking de novo review of the order of the Avon Municipal Court determining that defendant's trial on charges of speeding, N.J.S.A. 39:4-98; operating an unregistered vehicle N.J.S.A. 39:30-4; and interfering with other vehicles, N.J.S.A. 39:127; would proceed in a virtual format; and

**WHEREAS**, on March 30, 2023, the Judicial Council approved internal protocols to support consistency in implementation of the Supreme Court's October 27, 2022, Order with regard to the format of court proceedings in the trial courts; and

**WHEREAS**, these protocols provide that matters in municipal courts that do not involve a reasonable likelihood of a jail sentence or loss or suspension of license will continue to be heard in a virtual format;

**THEREFORE**, on this 4<sup>th</sup> day of January 2024, it is **ORDERED**:

1. Defendant's request that this court order that her trial be held in-person is **DENIED**; and
2. This matter is **REMANDED** to the municipal court for a trial on the above-referenced charges; and

3. Defendant may renew her application for an in-person trial, but consistent with the Supreme Court Directive, "the judge, not the parties, determines the format of court proceedings;" and
4. A copy of this order shall be served electronically to all parties within 3 days.

Michael A. Guadagno  
MICHAEL A. GUADAGNO, J.A.D.  
(Retired and temporarily assigned on recall)

Original: Criminal Division Manager  
Copy: Defendant, Allyn K. Urzua,  
Monmouth County Prosecutor's Office  
Avon Municipal Court  
James Newman, P.J.M.C.

BOB VINIK, Pres.  
710 8<sup>th</sup> Av. Apt 2 C  
BELMAR, New Jersey 07719  
908 768-8783

February 21, 1995

Hon. Sylvia Pressler, P.J.A.D.  
Superior Court, Appellate Division, Part E  
Hughes Justice Complex, CN-006  
Trenton, N.J. 08625

Re: DOE v. DOE A-4138-93-T2

Dear Judge Pressler:



I assisted Mr. Ron DOE in drafting his brief, researching case law and preparing for trial before you. As you may recall, I appeared with Mr. DOE at the respondent's table and requested the Court's leave to aid him in the presentation of his response to the appeal filed by his adversary and briefed by Amicus ACLU and Rutgers University Constitutional Law Clinic. You did not object to my assistance and agreed to allow me to remain at council table until the question was asked, "Was I an attorney?" When I answered in the negative you summarily told me that I was not allowed to assist Mr. DOE and would have to be seated in the audience. I did not object, at that time, only because the matter before the court was of extreme importance to a four year old girl and I did not wish to engage in a debate with you over a collateral issue that would detract from the seriousness of the matter sub judice. I also felt that we had prepared Mr. DOE reasonably well to address the Court. We prevailed against formidable adversaries.

For the aforementioned reasons I request that you accept this letter as a motion to be considered nunc pro tunc as if raised orally before you on the day of trial, but only on the issue raised herein for the purpose of guidance for future cases. Where a court's judgment adverse to a litigant may have collateral legal consequences, the issue is not necessarily moot unless it is shown



that there is no possibility of any collateral legal consequences. But, alternatively a court may decide a moot case or determine a moot question where it is in the public interest, as guidance for future cases.

Now that the underlying matter is decided, in favor of my client, I wish to address the important issue of assistance of counsel by competent non-attorneys. Mr. DOE and many of our members are unable to afford One Hundred And Fifty Dollars or more per hour for attorneys. The choice must not be constrained by the very court that is charged with the administration of justice to be: A) an expensive attorney that cannot be afforded, or B) proceed pro se with limited or no experience or knowledge of the workings of a court system that with deliberation uses Rules and even a lost language (Latin) that is designed not to be understood by the very people that are the recipients of it's Constitutionally mandated service. The disservice derived therein is substantially greater than the service provided.

In the matter sub judice Mr. DOE had no resources to retain a professional attorney and was at a loss as to how to proceed. Legal aid refused his request for help because his was a civil matter. His adversary had sent him a letter directing that he could not present to the Court any evidence of the sexual abuse endured by his daughter. This issue presented to our member the kind of dilemma an "unschooled in the law" Father could not make without the very aid he could not afford. The National Council For Children's Rights in Washington D.C. referred him to me. I advised him that he could disregard his adversary's direction. His adversary subsequently moved this Court to throw out that crucial evidence and was denied.

Mr. DOE and I sincerely believe that justice was done in this matter only because of the effective assistance of New Jersey Council For Children's Rights' competent non-attorney members. We do not claim to be attorneys nor do we hold our selves out to be an alternative to competent legal advice. The only claim we make is that we are better than the alternative Mr. DOE faced: no legal aid whatsoever. It is a dilemma of major proportions that this state has more lawyers than it knows what to do with and inexpensive legal aid is not available.

I ask that you consider my request to be allowed to assist, Mr. DOE, a member of New Jersey Council For Children's Rights, without funds to retain an attorney, in court. Mr. DOE is not faced with the choice of appearing pro se or retaining an attorney. He is faced with a more demanding dilemma: should I go to court and get beat up again by my ex's aggressive attorney or should I give up with out a fight. The courts are intended to be a place where citizens can settle their disputes in a civilized manner. However, civilized is the last thing that our courts appear to the common man to be. He needs help. It is not his fault that the only help is costly beyond his means. An affordable alternative must be made available.

Although this letter motion may be deemed unusual it is not without precedent. The Federal courts, the Circuits and the U. S. Supreme Court have addressed this issue and permitted competent non-attorneys to assist other litigants.

The first amendment right to speak for or against a cause does not end at the courthouse door. "A state cannot foreclose exercise of constitutional rights under First Amendment by mere labels. . . [A] State may not, under guise of prohibiting professional misconduct by attorneys, ignore constitutional rights under the First Amendment." *NAACP v. Button*, 83 S.Ct. 328, 371 U.S. 415, 9 L.Ed.2d 405 (1963)

"The preparation of petitions must never be considered the exclusive prerogative of the lawyer. Laymen --- in and out of prison --- should be allowed to act as "next friend" to any person in the preparation of any paper or document or claim, so long as he does not hold himself out as practicing law or as being a member of the Bar. . .Reasonable access to the courts is a right (secured by the Constitution and the laws of the United States), being guaranteed as against state action by the due process clause of the Fourteenth Amendment." *Johnson v. Avery*, 393 U.S. 483, 498; 89 S.Ct. 747 (1969)

"Members of groups<sup>1</sup> who are competent non-lawyers can assist other members of the group to achieve the goals of the group in court without being charged with "unauthorized practice of law. . . .A state cannot, by invoking the power to regulate the professional conduct of attorneys, infringe in any way the right of individuals and the public to be fairly represented in lawsuits authorized by Congress to effectuate a basic public interest. Laymen cannot be expected to know how to protect their rights when dealing with practiced and careful adversaries (*Gideon v. Wainwright*, 372 U.S. 335), and for them to associate together to help one another to preserve and enforce rights granted them. . . .cannot be condemned as a threat to legal ethics." *Brotherhood of Railway Trainmen v. Virginia ex rel. Virginia State Bar*, 377 U.S. 1, 7. See also: *United Mine Workers v. Illinois Bar Association*, 389 U.S. 217, *Sierra Club v. Norton*, 92 S.Ct.1561, *United Mine Workers v. Gibbs*, 383 U.S. 715

There is no question that American citizens have the right to represent one another in the courts. The U.S. Supreme Court has said: "There is room for the intelligent layman to practice law where lawyers cannot or will not." *Johnson v. Avery*, 89 S.Ct. 747.

". . . [A] legislative presumption is invalid when it is entirely arbitrary, or creates an invidious discrimination, or operates to deprive a party of a reasonable opportunity to present pertinent facts in his defense." *Bandini Co. v. Superior Court*, 284 U.S. 8, 18-19 (1931)

"[A] state may not pass statutes prohibiting the unauthorized practice of law or to interfere with the Right of the Freedom of Speech, secured in the First Amendment. Anyone, not a lawyer, trying to help another [or seeking help] to

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<sup>1</sup> Bob VINIK and Ron DOE are members of the New Jersey Council For Children's Rights, a group similar to that described in *Brotherhood of Railway Trainmen v. Virginia ex rel. Virginia State Bar*, 377 U.S. 1, 7



gain access to the courts cannot be denied the right under Freedom of Speech, Due Process and Equal Protection guarantees of the United States Constitution.

If there is any truth to the old proverb that "One who is his own lawyer has a fool for a client," the Supreme Court, by its opinion today, now bestows a constitutional right to one to make a fool of himself." (Justice Blackmun) *Faretta v. California*, 422 U.S. 806 (1972)

If a law has no other purpose than to chill assertion of constitutional rights by penalizing those who choose to exercise them, it is patently unconstitutional. *Shapiro v. Thompson*, 89 S.Ct. 1322, 394 U.S. 618, 22 L.Ed.2d 600 (1969)

". . . Where rights secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them." *Miranda v. Arizona*, 380 U.S. 436 (1966)

The ability, for example, of an "unschooled in the law" citizen to enforce his Constitutional rights under the Fifth Amendment is severely diminished without counsel. For Mr. DOE who is unable to afford licensed counsel and is unschooled in the law, to be denied assistance of a competent non-attorney "next friend" in defense of his legal battle, begun by his adversary and aided by ACLU and Rutgers' Constitutional Law Clinic, appearing as Amicus spells doom. Even more persuasive is the fact that the forces of doom in reality were aimed at his four year old daughter. The arguments that protect a litigant from abuse are involved and oblique. To deny Mr. DOE aid from a competent non-attorney when that is clearly his last resort is to deny him access to the courts.

He cannot put up sustained combat without help. While the claim itself must be made in person by the claimant, it cannot be made without either knowledge or competent advice. "The privilege against self incrimination is neither accorded to the passive resistant, nor the person who is ignorant of his rights, not to one indifferent thereto. It is a fighting clause. Its benefits can be retained only by sustained combat. It cannot be claimed by an attorney or solicitor. It is valid



only when insisted upon by a belligerent claimant in person." *U.S. v. Johnson*, 76 F.Supp. 538 Without the aid and advice received from the NJCCR pro se team Mr. DOE would not have been able to submit a brief and most assuredly would have lost the most important battle in his daughter's life.

"All the procedural safeguards guaranteed by the Constitution to one hailed into court for any reason must be enforced. "One need not be a criminal to claim Fifth Amendment privilege. It applies to civil suits as well." *Isaacs v. United States*, 256 F.2d 654; 297 U.S. 1. Although it is clear that Mr. DOE's case did not hinge on the Fifth Amendment, the need to be educated in the law is the fundamental underpinning of any defense. In most all defenses and offensive actions too, the litigant is well served to follow the advice in *Johnson Supra* and be a belligerent combative litigant.

"It is the duty of the courts to be watchful for the Constitutional Rights of the citizen, against any stealthy encroachments thereon." *Boyd v. U.S.*, 116 U.S. 616, 635 (1885)

Furthermore, New Jersey law, 2A:170-82 (c) exempts:

" . . .Any organization, either corporate or otherwise, organized for or doing charitable or benevolent work or rendering assistance to persons without means in pursuit of any legal remedy, from carrying out such charitable objects or from rendering such charitable assistance."

The New Jersey Council For Children's Rights is organized for and has been doing "such charitable assistance" for several years. The lay members of the pro se litigation team is comprised of competent non-attorneys and law school students that volunteer or are compensated by NAPIL grants (National Association of Public Interest Law, Wash. D.C.) for law student assistance. Additionally, Bob Vinik and several other members of the team are volunteers at the Prisoners Self Help Litigation Clinic at Seton Hall Law School. The Clinic is a joint project of

ACLU and Seton Hall Law School. It is directed by staff attorney Audry Bumsey, a Seton Hall law professor.<sup>2</sup>

Accordingly, we, New Jersey Council For Children's Rights and Bob Vinik, request this court permit Bob Vinik and other competent non-attorney members to assist our members in achieving our goals in court. The fundamental fairness of allowing a competent non-lawyer to assist a person appearing pro se who has limited experience in court and cannot afford an attorney, is obvious, notwithstanding the legitimate goal of protecting the public from incompetent practitioners that might prey on them.

Our members are well aware that I am not an attorney. You should also be aware that I have never held myself out to be an attorney or member of any bar, nor do I charge a fee for any assistance I render.

**THE CONSTITUTIONAL GUARANTEES DO NOT  
END AT THE COURTHOUSE DOOR.**

Respectfully,

Bob Vinik, Chair Pro Se Team &  
Director, New Jersey Council For Children's Rights

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<sup>2</sup> The matter before this court is not connected with the clinic.

SUPERIOR COURT OF NEW JERSEY  
FREEHOLD, NEW JERSEY

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STATE OF NEW JERSEY

v.

AILYN K. URUZA

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APPELLANT'S  
AMENDED BRIEF

AVON MUNICIPAL COURT  
Tickets: 24473, 24474, 24475

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On the brief: BOB VINIK  
908-768-8783

Dear Judge Please accept this less than formal, amended letter Brief<sup>1</sup>.

1. On July 16, 2023 DEFENDANT/APPELLANT was stopped for exceeding the speed limit and ticketed for the following offences:
  1. Ticket no 24473 39:4-98 42 Mph in a 30 Mph speed limit
  2. Ticket no 24474 39:3-4
  3. Ticket no24475 3:4-12 7 (copies of all 3 attached)
2. On Tuesday October Seventeenth<sup>2</sup> 2023 this defendant called the court for as required for a Zoom hearing. She requested if the court had responded to her written submissions and was not replied to. She then requested to have a trial to present her case, the judge refused. He then said that if you are not satisfied, you may appeal. She responded

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<sup>1</sup> Additional legal info was discovered (Stalker Radar device not certified)

<sup>2</sup> Corrected date error

“OKAY” and the zoom call was terminated. A municipal court trial was not held., and this appeal was produced Furthermore, Defendant/Appellant hereby invokes N.J.R.E. 201(d) Requiring this court to take judicial notice of all the things mentioned in N.J.R.E. 201 (a) and the constitutions of our country and state.

3. Defendant/Appellant is charged with speeding 39:4-98, in a 30 MPH zone. Title 39:4-98, is a statute that specifies what the speed limits on the roadways of New Jersey are. The speed limits specified therein are 25 Mph, 35 Mph and 50 Mph and it also allows other speed limits if an engineering or speed study is completed and approved by the commissioner. Therefore 30 Mph is not a legal speed limit. Defendant’s discovery request asked for the aforementioned speed studies but none was provided<sup>3</sup>. Therefor, the 30 Mph speed limit was not proven as a legal speed limit. The speed limit if testified to by a States witness is a rebuttable presumption, at least. The defendant has rebutted it herein, even though the courts are reluctant to give the Government’s witness that presumption. From the officers position with the Radar unit looking south toward the approaching traffic there was no business or residences as far as the borough of Belmar, therefore pursuant to 39:4-98 the speed limit was fifty 50 MPH<sup>4</sup>.
4. Therefore the testimony of the officer of a speed limit, if any, and the rebuttal herein is standard evidence to be believed as presented, with no presumption, And, if any, it has been effectively rebutted, as has been accomplished herein.

“Although we reaffirm **Craig's** general approach to the issue, we reject the suggestion that the officer's testimony creates a "reputable presumption" of the lawful speed in the area. In the absence of any specific statutory language, it has been noted that "[c]ourts are generally reluctant to create presumptions." Biunno, *N.J. Rules of Evidence*, comment 1 on **N.J.R.E. 301** (2007).” **State of New Jersey vs Morgan 393 N.J. Super. 411; 923 A.2d 359; 2007 N.J. Super. LEXIS 173(2007).**

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<sup>3</sup> Appellants’s Discovery Request is attached.

<sup>4</sup> If the Government wished to prove this speed limit, it must have submitted the speed study and approval by the commissioner.



5. The Stalker Radar unit used by the officer is not a device approved by the Appellate division. See STATE v GREEN (attached, page 27)

"...we do not know whether the accuracy of the Stalker Lidar device has been established through independent testing. Id. at 228. In short, the device has not been established as scientifically reliable in New Jersey, which Boyington, supra, 153 N.J. Super. at 254, requires. As a consequence, it may not be used in the trial courts as proof of speed until its accuracy has been established at least through the minimal type of testing used to establish the scientific reliability of the LTI Marksman 20-20. See Laser II, supra, 314 N.J. Super. at 237-50..."

6. Furthermore, the statute that prohibits speeding is 39:4-99<sup>5</sup>. However, defendant/appellant is charged with 39:4-98 which can not be amended because there is no "Lessor Included Offence" therein.
7. Although it appears that the officer thought he was operating in accord with the law, he was not. This TERRY STOP<sup>6</sup> for a speeding violation did not result in an offence for speeding, therefor everything that occurred thereafter was an illegal extension of the TERRY STOP and the other two tickets must be dismissed also.
8. Defendant submitted these arguments to the Municipal Court but the court did not make any response thereto The submissions submitted are attached:
1. Defendant's demand for a Trial in a Constitutional Court of Law
  2. Notice of Motion To Dismiss

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<sup>5</sup> See STATE v. GREEN A-6199-08T4 page 2 footnote (Copy Attached)

<sup>6</sup> TERRY v. OHIO 392 U.S. 1 1968

9. Problems with discovery:

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|-----|---|--|
| 1.  | Copies of both sides of tickets         | Provided   |
| 2.  | Copies of any notes                     | Presumed there are none  |
| 3.  | Description of radar                    | Provided   |
| 4.  | Device certification by appellate Ct    | Wrong info. An old case that is overturned by <u>State v Green</u> |
| 5.  | History of officers training            | Provided   |
| 6.  | Training manuals from manufacture       | Provided   |
| 7.  | Manuals from NJ with procedure          | Not Provided   |
| 8.  | Officers log book of tickets issued     | Not provided   |
| 9.  | Witness list                            | Not provided   |
| 10. | List of officers discipline             | Not provided   |
| 11. | Repair and calibration history of radar | Calibration only   |
| 12. | Engineering or speed study              | Not provided   |
| 13. | Any other exculpatory info              | None provided  |

Because the discovery was not completed the tickets must be dismissed or the government must be required to complete discovery. See STATE v. GREEN throughout.

10. On information and belief the discovery was produced by an AVON Police officer. Since a member of the police department is the complaining witness they have a fiduciary interest in the outcome of this litigation. That's why the responsibility of completing discovery is required by law to be on the prosecutor, not the police department. If the prosecutor does not perform this task, the discovery produced is not legal discovery as required by law.

"...there are very good reasons for settling this responsibility upon the prosecutor and no one else..... It {\*555} makes no sense to require witnesses to respond to discovery demands, particularly not witnesses whose interests may be adverse to defendants who make discovery requests..... R. 3:13-3 says that the prosecutor has the discovery responsibility; there is no reason to read it any other way...." State v Polasky 216 N.J. Super. 549, 524 A.2d 474 (1986)

  
ALYLN K. URZUA

Date: 11/9 2023

I, ALYLN K. URZUA, hereby certify that everything stated herein is the truth to the best of my knowledge. If any willingly submitted untruths are discovered herein I understand I am subject to punishment.

  
ALYLN K. URZUA

Date: 11/9 2023

CLERK  
U.S. DISTRICT COURT  
DISTRICT OF NEW JERSEY

2024 JAN 22 P 2:39